

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BLAYDE GRAYSON

PETITIONER

VS.

CIVIL ACTION NO. 1:04CV708CWR

**CHRISTOPHER EPPS, Commissioner,
Mississippi Department of Corrections;
LAWRENCE KELLY, Superintendent,
Mississippi State Penitentiary and JIM
HOOD, Attorney General of the State
of Mississippi**

RESPONDENTS

ORDER LIFTING STAY AND SETTING BRIEFING SCHEDULE

This matter came before the Court on Petitioner's Notice of Finality of State Court Proceedings and Motion to Set a Renewed Briefing Schedule, by which Grayson has notified the Court that his successive petition for post-conviction relief has been denied by the Mississippi Supreme Court. That being the case, the Court is of the opinion that the Motion should be granted and a new briefing schedule should be set.

Grayson has also filed a Motion to Substitute Appointed Counsel, by which he asks that Glenn S. Swartzfager be appointed to replace Michael Adelman in this matter. The Court is advised that Mr. Adelman consents to this substitution. Mr. Swartzfager is not a member of this Court's Capital Habeas Panel; however, he has served as the Director of the Mississippi Office of Capital Post-Conviction Counsel and has submitted an application for admission to the Panel. Having reviewed the application, the Court is of the opinion that Swartzfager qualifies for appointment under 18 U.S.C. § 3599(d) and anticipates that he will be admitted to the Panel. For these reasons, the Motion to Substitute Appointed Counsel will be granted.

IT IS, THEREFORE, ORDERED, as follows:

1. Grayson's Motion to Set a Renewed Briefing Schedule [Doc. #37] is hereby granted, and Grayson's amended petition for writ of habeas corpus must be filed on or before December 16, 2013.
3. Grayson's Motion to Substitute Appointed Counsel [Doc. #38] is hereby **granted**, and Glenn Swartzfager will be substituted as counsel for Michael Adelman in this matter. To prevent unnecessary duplication of work, Norris will serve as lead counsel and will monitor the joint work in this. The CJA Administrator of this Court will be notified of this appointment, and all requests for compensation and/or reimbursement of expenses shall be submitted on the proper CJA forms, and payment will be determined in accordance with CJA procedures in effect in this District. The appointments herein made are granted for the purpose of preparing, filing, and otherwise litigating Grayson's petition for *habeas corpus* in federal court and every subsequent stage of available judicial proceedings.

IT IS FURTHER ORDERED that, after Petitioner's attorneys file the amended petition, Respondents shall answer that petition within sixty days. Respondents shall file, within thirty days of service of the answer, a complete copy of any additions to the state court record that have resulted from the additional state court proceedings. Petitioner must file and serve, not later than sixty days after service of the answer, a memorandum of law in support of his amended petition. Respondents must file a responsive memorandum within sixty days of service of the Petitioner's supporting memorandum, and Petitioner may serve a reply to the response within thirty days of service of the response.

IT IS SO ORDERED, this the 16th day of September, 2013.

/s/ Carlton W. Reeves
Hon. Carlton W. Reeves
United States District Court Judge